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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/800,068 | 03/11/2004 | Maarten Koning | 40101/09901 | 8452 |

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| EXAMINER |
|---|
| PEIKARI, BEHZAD |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2189 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 04/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) |
| | 10/800,068 | KONING, MAARTEN |
| | Examiner | Art Unit | |
| | B. James Peikari | 2189 | |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *01 February 2007*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-11 and 23-27* is/are pending in the application.

    4a) Of the above claim(s) *23-27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3/11/04*.

4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

### *Election/Restrictions*

1.      Applicant's election of claims 1-11 in the reply filed on February 1, 2007 is

acknowledged.  Because applicant did not distinctly and specifically point out the

supposed errors in the restriction requirement, the election has been treated as an

election without traverse (MPEP § 818.03(a)).

### *Drawings*

2.      The drawings are objected to because the view numbers are not in accordance

with 37 CFR 1.84(u)(1).  For example, "FIG. 1" should replace "Figure 1".  Corrected

drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application.  Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be

canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## *Specification*

3.      The disclosure is objected to because of the following informalities: the parent application information in the first paragraph should be updated, i.e., ", now U.S. Patent Number 6,735,666".

Appropriate correction is required.

4.      Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

## *Claim Rejections - 35 USC § 101*

5.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.      Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Within its broadest reasonable interpretation, the "memory space" of claim 1 may be a logical (i.e., virtual) space. With such an interpretation, every claimed element of the computer system of claim 1 is directed to a data structure per se (e.g., a virtual

space, data structures, software program, a function, etc.), which is not one of the four

statutory categories of invention.  Note MPEP 2106.

### Claim Rejections - 35 USC § 103

7.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.     Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over applicant's admitted prior art (hereinafter AAPA; note pages 2-4 of the specification

and Figure 1 of the drawings).

Applicant's admitted prior art teaches a computer system, comprising;

(a)     a memory space having a number of memory locations (*"the computing

environment's execution 'space' (e.g., its memory)"; see page 1, lines 29-30*);

(b)     an operating system (*note Figure 1, element 2*) located within a system

space, the system space corresponding to a first subset of the number of

memory locations of the memory space (*note page 1, lines 30-31*);

(c)     a software module located within a user space (*note "the user space*

*contains the code and data structures for user tasks" on page 1, line 31, to page*

*2, line 1*), the user space corresponding to a second subset of the number of

memory locations of the memory space (*note page 1, line 30, and Figure 1*);

(d)     a plurality of operating system data structures located in the system space (*note "The system space generally contains the operating system tasks and data structures"; see page 1, lines 30-31*);

(e)     a system page located within the system space and corresponding to a portion of the first subset of the number of memory locations, the system page including a subset of the plurality of operating system data structures (*see below*);

(f)     and a function (*note "the creation of tasks ('user tasks'), processes ('user processes') and other objects"; see page 1, lines 24-25*) located within the software module ;

(g)     wherein the function may not be "linked" (*note Figure 1, connections 4*) to the first subset of the number of memory locations except for the subset of the plurality of operating system data structures (*note the restriction access to the operating system data structures afforded by connections 4 of Figure 1 and described in detail on page 2, lines 14-31*).

Applicant's admitted prior art does not specifically mention the use of a "system page" within the system space, however these were abundantly well known at the time of the invention as demonstrated by the Frank et al. system.  It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of pages of Frank et al. into the system described by applicant's admitted prior art since pages were a well known and efficient means of configuring logical memory areas (especially when contiguous and page-aligned with given memory structures).

As for the use of a memory map, this was well known (note the mapping of the SSB in Frank et al.). As for the indicators of read-only accesses to the system page, note that "system calls" as described in applicant's admitted prior art were read-only. As for the use of a timer, this would be taught by a system clock, which was well known in any such data processing system. As for a pointer to a task, note connections 4 in Figure 1 of applicant's admitted prior art. As for the operating system being a real-time operating system, note page 4 of applicant's admitted prior art.

## *Conclusion*

9.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached at (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for
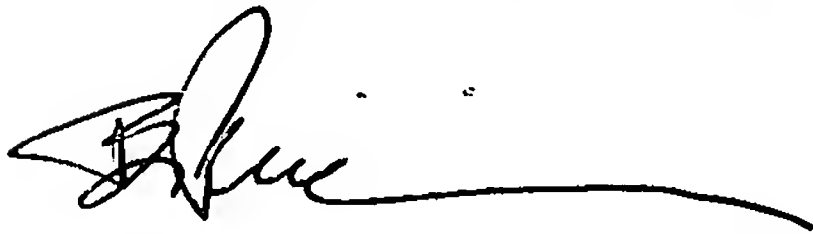
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center at 866-217-9197 (toll-free).

B. James Peikari
Primary Examiner
Art Unit 2189
4/12/07